
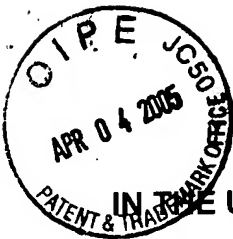
 <p>Effective 12/08/2004)</p>	Application Number	10/478,074	
	Filing Date	December 29, 2003	
	First Named Inventor	FUDGE et al.	
	Confirmation Number	6856	
	Group Art Unit	3736	
	Examiner's Name	Winakur, E.	
Express Mail® Label No. EL 997386099 US		Attorney Docket No.	01-43 C1
TOTAL AMOUNT OF PAYMENT		\$ 130.00	

METHOD OF PAYMENT	FEE CALCULATION (continued)																																																																																																																																																						
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:</p> <p>Deposit Account Number: <u>50-0558</u></p> <p>Deposit Account Name: <u>Respironics, Inc.</u></p> <p><input checked="" type="checkbox"/> Charge any additional fee required under 37 C.F.R. §§ 1.16, 1.17 and 1.20      <input type="checkbox"/> Charge the Issue Fee set forth in 37 C.F.R. § 1.18</p>	<p><b>3. APPLICATION SIZE FEE</b></p> <p>If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 for each additional 50 sheets or fraction thereof. See 35 U.S. C. § 41(a)(1)(G) and 37 C.F.R. § 1.16(s).</p> <table style="width: 100%;"> <tr> <td>Total Sheets</td> <td>Extra Sheets</td> <td>Number of each additional 50 fraction thereof</td> <td>Fee(\$)</td> <td>Fee Paid(\$)</td> </tr> <tr> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> </table> <p>_____ -100 = _____ /50 = _____ (round up to a whole number) X 250 = <u>0.00</u></p>	Total Sheets	Extra Sheets	Number of each additional 50 fraction thereof	Fee(\$)	Fee Paid(\$)	_____	_____	_____	_____	_____																																																																																																																																												
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<p>2. <input type="checkbox"/> Payment Enclosed:</p> <p>Check (Check No. _____)</p>	<p><b>4. ADDITIONAL FEES</b></p> <table style="width: 100%;"> <thead> <tr> <th>Large Fee Code</th> <th>Entity Fee (\$)</th> <th>Small Fee Code</th> <th>Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or declaration</td><td></td></tr> <tr><td>1811</td><td>100</td><td>1811</td><td>100</td><td>Certificate of Correction</td><td></td></tr> <tr><td>1812</td><td>2,520</td><td>1812</td><td>2,520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>576</td><td>25</td><td>576</td><td>25</td><td>Additional filing receipt, duplicate or corrected due to applicant error</td><td></td></tr> <tr><td>1251</td><td>120</td><td>2251</td><td>60</td><td>Extension for response within first month</td><td></td></tr> <tr><td>1252</td><td>450</td><td>2252</td><td>225</td><td>Extension for response within second month</td><td></td></tr> <tr><td>1253</td><td>1,020</td><td>2253</td><td>510</td><td>Extension for response within third month</td><td></td></tr> <tr><td>1254</td><td>1,590</td><td>2254</td><td>795</td><td>Extension for response within fourth month</td><td></td></tr> <tr><td>1255</td><td>2,160</td><td>2255</td><td>1,080</td><td>Extension for response within fifth month</td><td></td></tr> <tr><td>1401</td><td>500</td><td>2401</td><td>250</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1402</td><td>500</td><td>2402</td><td>250</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>1,000</td><td>2403</td><td>500</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1452</td><td>500</td><td>2452</td><td>250</td><td>Petition to revive unavoidably abandoned application</td><td></td></tr> <tr><td>1453</td><td>1,500</td><td>2453</td><td>750</td><td>Petition to revive unintentionally abandoned application</td><td></td></tr> <tr><td>1501</td><td>1,400</td><td>2501</td><td>700</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>1502</td><td>800</td><td>2502</td><td>400</td><td>Design issue fee</td><td></td></tr> <tr><td>1814</td><td>130</td><td>2814</td><td>65</td><td>Statutory Disclaimer</td><td>130.00</td></tr> <tr><td>1460</td><td>130</td><td>1460</td><td>130</td><td>Petitions to the Director</td><td></td></tr> <tr><td>1807</td><td>50</td><td>1807</td><td>50</td><td>Petitions related to provisional applications</td><td></td></tr> <tr><td>1806</td><td>180</td><td>1806</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>8021</td><td>40</td><td>8021</td><td>40</td><td>Recording each patent assignment per property (times number of property)</td><td></td></tr> <tr><td>1801</td><td>790</td><td>2801</td><td>395</td><td>Request for Continued Examination</td><td></td></tr> <tr><td>1504</td><td>300</td><td>1504</td><td>300</td><td>Publication Fee</td><td></td></tr> <tr><td colspan="5">Other Fee (specify) _____</td><td></td></tr> </tbody> </table>	Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid	1051	130	2051	65	Surcharge - late filing fee or declaration		1811	100	1811	100	Certificate of Correction		1812	2,520	1812	2,520	For filing a request for reexamination		576	25	576	25	Additional filing receipt, duplicate or corrected due to applicant error		1251	120	2251	60	Extension for response within first month		1252	450	2252	225	Extension for response within second month		1253	1,020	2253	510	Extension for response within third month		1254	1,590	2254	795	Extension for response within fourth month		1255	2,160	2255	1,080	Extension for response within fifth month		1401	500	2401	250	Notice of Appeal		1402	500	2402	250	Filing a brief in support of an appeal		1403	1,000	2403	500	Request for oral hearing		1452	500	2452	250	Petition to revive unavoidably abandoned application		1453	1,500	2453	750	Petition to revive unintentionally abandoned application		1501	1,400	2501	700	Utility issue fee (or reissue)		1502	800	2502	400	Design issue fee		1814	130	2814	65	Statutory Disclaimer	130.00	1460	130	1460	130	Petitions to the Director		1807	50	1807	50	Petitions related to provisional applications		1806	180	1806	180	Submission of Information Disclosure Stmt		8021	40	8021	40	Recording each patent assignment per property (times number of property)		1801	790	2801	395	Request for Continued Examination		1504	300	1504	300	Publication Fee		Other Fee (specify) _____					
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SUBMITTED BY					
Typed or Printed Name	Michael W. Haas	Reg. Number	35,174		
Signature		Date	April 4, 2005	Deposit Account Number	50-0558



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of

Inventor : FUDGE et al.  
Appln. No. : 10/748,074  
Conf. No.: : 6856  
Filed: : December 29, 2003  
Title: : PULSE OXIMETER SENSOR AND DISPENSING METHOD  
Group Art Unit : 3736  
Examiner : Winakur, E.  
Docket No. : 01-43 C1

\* \* \* \* \*

April 4, 2005

**TERMINAL DISCLAIMER**  
(By Attorney)  
**Re Double-Patenting Rejection**

Hon. Commissioner of Patents and Trademarks  
Alexandria, VA 22313-1450

Sir:

The undersigned petitioner, an attorney of record, is hereby acting for the undernamed entity, which is the 100% owner of all rights, title, and interests in the subject application:

1. ☐ by virtue of being the inventor(s) and having not assigned this application;
2. ☒ as shown on the Assignment recorded September 13, 2002 on Reel 13290 at Frame 0700 in U.S. Patent Appln No. 10/242,866, now U.S. Patent No. 6,671,523, which is the parent of the present application;
3. ☐ as shown by the attached copy of the Assignment filed for recordal on \_\_\_\_\_;
4. ☐ and, if the Assignor in the Assignment is not the original owner (inventor(s)), the chain of title from the original owner to that Assignment as recorded on:  
Reel \_\_\_\_\_ at Frame \_\_\_\_\_, Reel \_\_\_\_\_ at Frame \_\_\_\_\_, Reel \_\_\_\_\_ at Frame \_\_\_\_\_;

04/06/2005 MBIZUNES 00000024 500558 10748074

01 FC:1814 130.00 DA

and hereby disclaims (except as provided below) the terminal part of the statutory term of any patent granted on the subject application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shorted (if at all) by any terminal disclaimer of:

5. ☐ any patent granted in regard to U.S. Application No. \_\_\_\_\_ filed \_\_\_\_\_;
6. ☒ the earlier granted United States Patent Number(s) 6,671,523;

to which said entity also has legal title.

Petitioner hereby reserves the right to extend the term of the patent, which issues on this application, for regulatory delay or otherwise as the law allows. Petitioner hereby agrees that any patent so granted on the subject application shall be enforceable only for an during such period that it and the patent(s) in the above items numbered 5 or 6 are commonly owned. This agreement runs with any patent granted on the subject application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the patent(s) in the item numbered 5 or 6 above, as presently shortened by any terminal disclaimer, of the above-listed patent in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminal disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its fully statutory term as presently shorted by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United

FUDGE et al. -- Appln. No.: 10/748,074

States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Entity: RESPIRONICS NOVAMETRIX, Inc.

Attorney Signature Michael W. Haas

Name: Michael W. Haas

Reg. No.: 35,174

Date: April 4, 2005